

BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION
Department of Public Health and Environment, State of Colorado

PREHEARING ORDER OF THE WATER QUALITY CONTROL COMMISSION

FOR CONSIDERATION OF THE ADOPTION OF REVISIONS TO THE RECLAIMED WATER
CONTROL REGULATION, REGULATION #84 (5 CCR 1002-84).

The prehearing conference for this matter was held on Tuesday, April 9, 2013. This Order summarizes the action taken.

The following individuals were present at the prehearing conference:

- John Rehring for the Proponents (Proponents);
- Scott Lehman for Rangeview Metropolitan District (Rangeview);
- Damian Higham for Denver Water;
- Jena Vail for Centennial Water and Sanitation District;
- Dave Akers;
- Nathan Moore for the Water Quality Control Division (Division);
- Jerry Goad, Assistant Attorney General for the Water Quality Control Commission (Commission);
- Lauren Evans, Hearing Chair for the Commission;
- Paul Frohardt, Administrator of the Commission; and
- Nancy Horan, Program Assistant for the Commission.

The following individuals participated by phone:

- Tara Kelley for the City of Colorado Springs and Colorado Springs Utilities;
- Bobby Anastasov for the City of Aurora (Aurora); and
- Kristi Riegle for the City and County of Denver (Denver).

I. PARTY STATUS AND MAILING LIST STATUS

- A. The following, as petitioners, automatically have party status for this hearing: the Colorado Section of the WaterReuse Association, the Joint Water Reuse Committee of Rocky Mountain Water Environment Association, and the Rocky Mountain Section of the American Water Works Association (Proponents).
- B. Timely party status requests were received from:
1. City and County of Denver;
 2. City of Aurora;
 3. City of Colorado Springs and Colorado Springs Utilities; and
 4. Rangeview Metropolitan District.
- C. The party status requests were approved by the Hearing Chair.

II. DISCLOSURES AND RECUSALS

- A. Commissioner Evans has disclosed that her company has done work for the City and County of Denver and the City of Aurora on unrelated matters. In addition, her company has a contract with Colorado Springs Utilities unrelated to the subject matter of this hearing, but has not provided services to date. Commissioner Evans believes she can participate impartially in the hearing and render any decisions necessary based on the evidence presented.
- B. Commissioner Pifher will recuse himself from participation in this rulemaking because he is employed by Colorado Springs Utilities, which is a party to the hearing.
- C. In response to an inquiry from the Hearing Chair, no concerns or objections were raised regarding these disclosures and no other issues regarding potential Commission member conflicts were raised by the parties. Any additional disclosures by other Commission members will be identified at or prior to the rulemaking hearing.

III. PREHEARING STATEMENTS

- A. A Proponent's prehearing statement was received from the Proponents.
- B. Responsive prehearing statements were received from the Division, the City and County of Denver and the City of Aurora.

IV. MOTIONS AND OTHER PROCEDURAL MATTERS

- A. No motions have been filed.

V. ISSUES

- A. The principal issue is whether to adopt revisions Regulation #84 as proposed by the Proponents.

VI. REBUTTAL STATEMENTS

- A. Written rebuttal statements are to be received in the Commission Office or Department's mail room by 5:00 p.m. on Wednesday, May 1, 2013, with copies distributed as required by the Hearing Notice.

VII. HEARING PROCEDURES

- A. The following order of presentation and times for a combination of direct testimony and cross-examination were established:

- 1. Proponents: 15 minutes
- 2. Division: 5 minutes

Other parties will be available at the hearing to answer any questions the Commission may have.

- B. Any non-party public comment will be heard at the conclusion of testimony from the Division and the parties.
- C. In addition to the matters addressed above, please note that:
 - 1. Questions from the Commission will occur at the end of each party's complete case, followed by cross-examination (except for Commission questions necessary to understanding a party's testimony, which may be asked at any time).
 - 2. The Commission intends to deliberate regarding the issues raised at the conclusion of the hearing on May 13, 2013.
 - 3. Power Point presentations may be brought on a flash drive to the Sabin Conference Room by 8:30 a.m. the day of the hearing.

Dated this 10th day of April 2013.

Water Quality Control Commission

Paul D. Frohardt, Administrator